

JC10 Rec'd PCT/PTO 09 JUN 2005

FORM PTO-1390  
(REV 10-94)

U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE

ATTORNEY'S DOCKET NUMBER

TRANSMITTAL LETTER TO THE UNITED STATES  
DESIGNATED/ELECTED OFFICE (DO/EO/US)  
CONCERNING A FILING UNDER 35 U.S.C. 371

12684.0015USWO

U.S. APPLICATION NO. (If known, see 37 C.F.R. 1.52)

Unknown 10/538515

INTERNATIONAL APPLICATION NO.

PCT/EP2003/013959

INTERNATIONAL FILING DATE

December 9, 2003

PRIORITY DATE CLAIMED

December 9, 2002

TITLE OF INVENTION

INHALATION THERAPY DEVICE

APPLICANT(S) FOR DO/EO/US

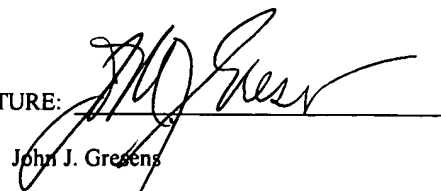
WALDNER et al.

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☒ This express request to begin national examination procedures (35 U.S.C. 371(f)) at any time rather than delay examination until the expiration of the applicable time limit set in 35 U.S.C. 371(b) and PCT Articles 22 and 39(I).
4. ☒ A proper Demand for International Preliminary Examination was made by the 19th month from the earliest claimed priority date.
5. ☒ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
  - a. ☒ is transmitted herewith (required only if not transmitted by the International Bureau).
  - b. ☒ has been transmitted by the International Bureau.
  - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US)
6. ☒ A translation of the International Application into English (35 U.S.C. 371(c)(2)).
7. ☒ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
  - a. ☐ are transmitted herewith (required only if not transmitted by the International Bureau).
  - b. ☐ have been transmitted by the International Bureau.
  - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
  - d. ☒ have not been made and will not be made.
8. ☐ A translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☒ An unsigned oath or declaration of the inventor(s) (35 U.S.C. 371 (c)(4)).
10. ☐ A translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

Items 11. to 16. below concern document(s) or information included:

11. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☒ A FIRST preliminary amendment.  
☐ A SECOND or SUBSEQUENT preliminary amendment.
14. ☐ A substitute specification.
15. ☐ A change of power of attorney and/or address letter.
16. ☒ Other items or information: Application Data Sheet (6 pages), International Publication Page WO 2004/052436 A1, Form PCT/ISA/210 (pages 2-4), Form PCT/IB/301, Form PCT/IB/304, Form PCT/IB/308 (April 2002), Form PCT/IB/332, Form PCT/IPEA/409, Form PCT/IPEA/416, English Translation (14 pages)

U.S. APPLICATION NO. (If known, see 37 C.F.R. 1.5) Unknown <b>10/538515</b>		INTERNATIONAL APPLICATION NO. PCT/EP2003/013959		ATTORNEY'S DOCKET NUMBER 12684.0015USWO	
BASIC NATIONAL FEE (37 CFR 1.492(a) (1)-(5)):					
[X] a) Basic National fee.....\$300.00				\$300.00	
[X] b) Examination fee.....\$200.00				\$200.00	
[X] c) Search fee.....\$500.00				\$500.00	
<b>TOTAL OF ABOVE CALCULATIONS =</b>				<b>\$1000.00</b>	
Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing or computer program listing filed in an electronic medium). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.					
Total Sheets	Extra Sheets	Number of each additional set of sheets (1 set= 50 sheets)	Rate		
21 -100 =	0 /50 =	0	X \$250.00	\$0.00	
Surcharge of \$130.00 for furnishing the oath or declaration later than [ ] 20 [ ] 30 months from the earliest claimed priority date (37 CFR 1.492(e)).				\$0.00	
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE		
Total claims	19 -20 =	0	X \$50.00	\$0.00	
Independent claims	1 -3 =	0	X \$200.00	\$0.00	
MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+ \$360.00	\$0.00	
<b>TOTAL OF ABOVE CALCULATIONS =</b>				<b>\$1000.00</b>	
Reduction by 1/2 for filing by small entity, if applicable. Small entity status is claimed pursuant to 37 CFR 1.27				\$0.00	
<b>SUBTOTAL =</b>				<b>\$1000.00</b>	
Processing fee of \$130.00 for furnishing the English translation later than [ ] 20 [ ] 30 months from the earliest claimed priority date (37 CFR 1.492(f)).				+	\$0.00
<b>TOTAL NATIONAL FEE =</b>				<b>\$1000.00</b>	
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property				+	\$0.00
<b>TOTAL FEES ENCLOSED =</b>				<b>\$1000.00</b>	
				Amount to be: refunded	\$0.00
				charged	\$0.00
a. [X] Check(s) in the amount of <u>\$1000.00</u> to cover the above fees is enclosed.					
b. [ ] Please charge my Deposit Account No. _____ in the amount of \$ _____ to cover the above fees. A duplicate copy of this sheet is enclosed.					
c. [X] The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. <u>13-2725</u> .					
<b>NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.</b>					
SEND ALL CORRESPONDENCE TO: John J. Gresens MERCHANT & GOULD P.O. Box 2903 Minneapolis, MN 55402-0903					
				SIGNATURE: 	
				NAME: John J. Gresens	
				REGISTRATION NUMBER: 33,112	

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: WALDNER et al.  
Docket: 12684.0015USWO  
Title: INHALATION THERAPY DEVICE

**CERTIFICATE UNDER 37 CFR 1.10:**

"Express Mail" mailing label number: EV 495848237 US  
Date of Deposit: June 9, 2005

I hereby certify that this paper or fee is being deposited with the U.S. Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450.

By: 

Name: David Ortiz

Mail Stop PCT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

**23552**

PATENT TRADEMARK OFFICE

Sir:

We are transmitting herewith the attached:

- ☒ Transmittal sheet, in duplicate, containing Certificate under 37 CFR 1.10.
- ☒ National Stage PCT Patent Application: Spec. 18 pgs; 19 claims; Abstract 0 pgs.; 8 drawing sheets.  
The fee has been calculated as shown below in the 'Claims as Filed' table.
- ☒ 8 sheets of formal drawings
- ☒ An unsigned Combined Declaration and Power of Attorney
- ☒ A check in the amount of \$1000.00 to cover the Filing Fee
- ☒ Application Data Sheet, 6 pages.
- ☒ Other: Preliminary Amendment (9 pages), Form PTO 1390, International Publication Page WO 2004/052436 A1, Form PCT/ISA/210 (pages 2-4), Form PCT/IB/301, Form PCT/IB/304, Form PCT/IB/308 (April 2002), Form PCT/IB/332, Form PCT/IPEA/409, Form PCT/IPEA/416, English Translation (14 pages)
- ☒ Return postcard

**CLAIMS AS FILED**

Number of Claims Filed	No.	In Excess of	Extra	Rate	Fee
<b>Total Claims</b>	19	20	0	\$50.00	= \$0.00
<b>Independent Claims</b>	1	3	0	\$200.00	= \$0.00
<b>Multiple Dependent Claims Fee</b>					= \$0.00
<b>Basic Filing Fee</b>					= \$300.00
<b>Search Fee</b>					= \$200.00
<b>Examination Fee</b>					= \$500.00
<b>Utility Application Size Fee</b>	21	100	0	\$250.00	= \$0.00
<b>Total</b>					= \$1000.00

Please charge any additional fees or credit overpayment to Deposit Account No. 13-2725. A duplicate of this sheet is enclosed.

Merchant & Gould P.C.  
P.O. Box 2903 Minneapolis, MN 55402-0903  
612.332.5300

By: 

Name: John J. Gresens

Reg. No.: 33,112

Initials: JJG/acp

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	WALDNER et al.	Examiner:	Unknown
Serial No.:	10/538,515	Group Art Unit:	Unknown
Filed:	9 June 2005	Docket:	12684.0015USWO
Confirmation No.:	2315	Notice of Allow. Date:	N/A
Due Date:	14 December 2005		
Title:	INHALATION THERAPY DEVICE		

CERTIFICATE UNDER 37 CFR 1.8:

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to: Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450 on November 8, 2005.

By:   
Name: Casey Caron

Mail Stop PCT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

**23552**  
PATENT TRADEMARK OFFICE

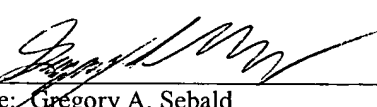
Sir:

We are transmitting herewith the attached:

- ☒ Transmittal Sheet in duplicate containing Certificate of Mailing
- ☒ Notice to File Missing Requirements Under 35 U.S.C. 371
- ☒ Signed Combined Declaration and Power of Attorney
- ☒ Information Disclosure Statement, Form 1449, 3 Reference(s)
- ☒ Supplemental Application Data Sheet, 6 pages
- ☒ Check(s) in the amount of \$130.00 for Submission of Missing Requirements
- ☒ Other: Communication Regarding Submission of Missing Requirements, International Search Report
- ☒ Return postcard

Please consider this a PETITION FOR EXTENSION OF TIME for a sufficient number of months to enter these papers or any future reply, if appropriate. Please charge any additional fees or credit overpayment to Deposit Account No. 13-2725. A duplicate of this sheet is enclosed.

Merchant & Gould P.C.  
P.O. Box 2903  
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By:   
Name: Gregory A. Sebal  
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